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FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
SANTA CLARA, CA, S.D.

5 Attorney for Plaintiff, MORELLI TAYLOR SPORTFISHING & MARINE
6 SUPPLY, LLC, a California Limited Liability Company d.b.a. LEO'S
7 SPORTFISHING

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 MORELLI TAYLOR SPORTFISHING)
11 & MARINE SUPPLY, LLC, a)
12 California Limited Liability)
13 Company d.b.a. LEO'S)
14 SPORTFISHING,)

CASE NO: C0704947 *HRZ*

C/HRZ
13 Plaintiff,)

14 vs.)

15 DAN ROBIN CATALANO, an)
16 individual, in personam;)

17 BW
DECLARATION OF JOSEPH W.
MCCARTHY IN OPPOSITION TO
DEFENDANTS' MOTION TO VACATE
ORDER OF ARREST, OR,
ALTERNATIVELY, TO SET THE
AMOUNT OF SECURITY FOR RELEASE
OF THE VESSEL

17 Unnamed Sailing Vessel,)
18 Hull #CFZ0237TC700 &)
19 CF #0237TP, in rem, and)
20 DOES 1-100, inclusive,)

Date: October 9, 2007
Time: 10:30 a.m.
Courtroom: 2, 5th Floor
Hon. Howard R. Lloyd

19 Defendants.)

21 I, Joseph W. McCarthy, declare as follows:

22 I am an attorney licensed to practice law in the State of
23 California. I have personal knowledge of all the facts stated
24 herein and if called as a witness, could and would competently
25 testify to them under oath.

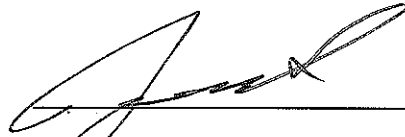
26 1. The California Department of Motor Vehicles requires
27 that any undocumented vessel be registered prior to being placed
28 in California waters. A true and correct printout of the DMV

1 website is attached as Exhibit 1.

2 I declare under penalty of perjury under the laws of the
3 state of California that the foregoing is true and correct.

4

5 Dated: October 5, 2007



6 Joseph W. McCarthy, Attorney for
7 Plaintiff, MORELLI TAYLOR
8 SPORTFISHING & MARINE SUPPLY, LLC,
a California Limited Liability
Company d.b.a. LEO'S SPORTFISHING

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EXHIBIT 1



CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

How to Register a Vessel (Boat)

What Vessels Must be Registered?

Generally, every sail-powered vessel over eight feet in length and every motor-driven vessel (regardless of length) that is not documented by the U.S. Coast Guard which is used or on the waters of this state are subject to registration by the Department of Motor Vehicles (DMV). The vessel must be located in California.

Vessels previously registered in other states must be registered in California within 120 days of being brought into the state, if it will be used upon California waterways the majority of the time.

The term vessel applies to every description of water-craft used or capable of being used as a means of transportation on water, except the following:

- A seaplane on the water.
- A watercraft specifically designed to operate on a permanently fixed course and guided by a mechanical device that restricts the watercraft's movement to the fixed course.
- A floating structure that is designed and built to be used as a stationary waterborne residential dwelling, which, (a) does not have and is not designed to have a mode of power of its own, (b) is dependent for utilities upon a continuous utility linkage to a source originating on shore, and (c) has a permanent, continuous hookup to a shoreside sewage system.

The following vessels do **not** have to be registered in California:

- Vessels propelled solely by oars or paddles.
- Nonmotorized sailboats that are eight feet or less in length.
- Nonmotorized surfboards propelled by a sail and with a mast that the operator must hold upright.
- A ship's lifeboat (a dinghy is not a lifeboat).
- Vessels currently and lawfully numbered (registered) by another state that are principally used outside California.
- Vessels brought into California for racing purposes only (exempted only during races and tune-ups).

NOTE: Commercial vessels of five net tons or more, or 30 feet or more in length must be registered (documented) by the U.S. Coast Guard.

What is the Difference Between a Documented Vessel and an Undocumented Vessel?

An undocumented vessel is registered by the DMV and does **not** have a marine certificate issued by the U.S. Coast Guard.

A documented vessel is registered and issued a marine certificate by the U.S. Coast Guard. It does not require DMV registration. Please see the previous note.

You are required to register your undocumented vessel and pay applicable fees before it is placed in California waters.

Must I Register a Vessel Used Exclusively on a Private Lake?

Yes; any vessel that is used or moored on California waterways, including private lakes, must be registered.

How Do I Register My Vessel?

The documents required to register and title a new vessel or a vessel being registered for the first time are:

- Application for Vessel Certificate of Number (BOAT 101).
- Proof of ownership, such as a bill of sale, certificate of origin, bill of lading, invoice, or out-of-state title.

OR

- A bond for the vessel value if proof of ownership cannot be provided and the vessel's value is \$2,000 or more.

NOTE: If your vessel is located at an address other than your residence address, you must show the vessel location on the application.

You may register your vessel at any DMV office or mail your registration application (Boat 101) to:

Department of Motor Vehicles
P.O. Box 942869 Sacramento, CA 94269-0001
Attn: Vessel Section

NOTE: The vessel trailer must also be registered and is separate from the vessel registration. The trailer is no longer required to be registered annually.

How Much Will it Cost to Register?

Fee to register and title a new vessel (original application).

Fee to register a vessel that was previously registered in another state or country (nonresident application fee).

Use tax based on the purchase price may also be due. New legislation effective October 1, 2004 through July 1, 2006 requires payment of use tax on a vessel purchased outside California and brought into California within 365 days of the purchase date. Use tax is based on new registered owner's county of residence.

NOTE: The registration fees must be paid prior to placing the vessel on California waters to avoid penalties.

What Are the Regulations for the Vessel Registration Number?

The vessel registration number (CF number) issued by the department must be displayed as follows:

- Painted on or permanently attached to each side of the forward half of the vessel.
- Be in plain vertical block characters of not less than three inches in height.
- Be arranged so that it it reads from left to right.
- Contrast with the color of the background so that it is distinctly visible and legible.
- Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the prefix and the number, and the number and the suffix. See the example below.

Example: CF 1234 AB

What About the Hull Identification Number?

A hull identification number (HIN) must be displayed on all vessels registered in California. The HIN must be:

- Permanently affixed to the vessel in such a way that its alteration, removal, or replacement would be obvious.
- Assigned and affixed by manufacturers to commercially built vessels.
- Assigned by the DMV to homemade vessels.

Other Information Unique to Vessels

- Vessels registered in California are assessed property taxes by the county tax collector where the vessel is stored or where it is moored. Contact the county tax collector for the county in which you reside or where the vessel is moored, if you do not received your tax bill).
- You will receive the "ABCs of California Boating Laws" booklet when you first register the vessel in your name. This booklet contains the current safety and registration information.

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